

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 30TH NOVEMBER 2007 / 9TH AGRAHAYANA 1929

WP(C).No. 12417 of 2007(C)

PETITIONER:

1. K.S.PAREETH, KIZHAKKEOTTATH VEEDU,
RAMANGALAM, MUVATTUPUZHA.
2. M.S.NAZAR, MULACKAL,
RAMANGALAM, MUVATTUPUZHA.
3. P.H.AYOOB, PADINJAREOTTATH,
RAMANGALAM, MUVATTUPUZHA.
4. NIRMALAN, PAIYYANAYIL VEEDU,
MUVATTUPUZHA.
5. SHAMSUDDHIN, PADINJAREOTTATH PUTHEN
VEEDU, RAMANGALAM, MUVATTUPUZHA.
6. V.M.BASHEER, VELAKKOTTU PUTHEN VEEDU,
MUVATTUPUZHA.
7. M.S.PAREETH RAWTHER, MULACKAL VEEDU,
RAMANGALAM, MUVATTUPUZHA.
8. P.SAYED MOHAMMED RAWTHER,
MULACKAL VEEDU, RAMANGALAM, MUVATTUPUZHA.
9. M.S.HUSSAIN RAWTHER, MULACKAL VEEDU,
RAMANGALAM, MUVATTUPUZHA.

BY ADV. SRI.T.M.ABDUL LATHEEF

WP(C).No. 12417 of 2007(C)

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, CO-OPERATIVE DEPARTMENT,
THIRUVANANTHAPURAM.
2. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, ERNAKULAM.
3. SPECIAL SALE OFFICER,
SENIOR INSPECTOR OF CO-OPERATIVE SOCIETIES,
ANICAD S.C.B.GROUP, MUVATTUPUZHA.
4. MUVATTUPUZHA URBAN CO-OPERATIVE BANK
LTD.NO.556, MUVATTUPUZHA REPRESENTED BY ITS
SECRETARY.

(*)ADDL.R5 MUVATTUPUZHA AGRICULTURAL CO-OPERATIVE BANK LTD.,
NO.H.W.33, MUVATTUPUZHA, REPRESENTED BY ITS
SECRETARY.

[(*)ADDL.R5 IS IMPEADED VIDE ORDER DATED 31/05/2007 IN
I.A.NO.6637/2007]

BY ADV. SRI.T.RAJESH FOR R4
SRI.S.EASWARAN FOR R5

ADV.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONERS' EXTS:

- EXT.P1 TRUE COPY OF THE DEMAND NOTICE DATED 04/08/2006 ISSUED BY THE 3RD RESPONDENT TO THE FIRST PETITIONER.
- EXT.P2 TRUE COPY OF THE DEMAND NOTICE DATED 04/08/2006 ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER.
- EXT.P3 TRUE COPY OF THE DEMAND NOTICE DATED 04/08/2006 ISSUED BY THE 3RD RESPONDENT TO THE 3RD PETITIONER.
- EXT.P4 TRUE COPY OF THE DEMAND NOTICE DATED 04/08/2006 ISSUED BY THE 3RD RESPONDENT TO THE 4TH PETITIONER.
- EXT.P5 TRUE COPY OF THE DEMAND NOTICE DATED 04/08/2006 ISSUED BY THE 3RD RESPONDENT TO THE 5TH PETITIONER.
- EXT.P6 TRUE COPY OF THE DEMAND NOTICE DATED 04/08/2006 ISSUED BY THE 3RD RESPONDENT TO THE 6TH PETITIONER.
- EXT.P7 TRUE COPY OF THE DEMAND NOTICE DATED 04/08/2006 ISSUED BY THE 3RD RESPONDENT TO THE 7TH PETITIONER.
- EXT.P8 TRUE COPY OF THE DEMAND NOTICE DATED 04/08/2006 ISSUED BY THE 3RD RESPONDENT TO THE 8TH PETITIONER.
- EXT.P9 TRUE COPY OF THE DEMAND NOTICE DATED 04/08/2006 ISSUED BY THE 3RD RESPONDENT TO THE 9TH PETITIONER.
- EXT.P10 TRUE COPY OF THE PETITION DATED 18/10/2006 SUBMITTED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT
- EXT.P11 TRUE COPY OF THE PETITION DATED 29/03/2007 SUBMITTED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT.

ADDL.R5 EXTS:

- EXT.R5(a) COPY OF APPLICATION SUBMITTED BY THE 1ST PETITIONER ON 05/04/2001 REQUESTING FOR A BUSINESS LOAN.
- EXT.R5(b) COPY OF APPLICATION DATED 21/04/2001 SUBMITTED BY THE 2ND PETITIONER FOR A BUSINESS LOAN.
- EXT.R5(c) COPY OF APPLICATION DATED 05/04/2001 SUBMITTED BY THE 3rd PETITIONER FOR A BUSINESS LOAN.
- EXT.R5(d) COPY OF APPLICATION DATED 04/04/2001 SUBMITTED BY THE 4th PETITIONER FOR A BUSINESS LOAN.

WP(C).No. 12417 of 2007(C)

EXT.R5(e) COPY OF APPLICATION DATED 04/04/2001 SUBMITTED BY THE 5th PETITIONER FOR A BUSINESS LOAN.

EXT.R5(f) COPY OF APPLICATION DATED 04/04/2001 SUBMITTED BY THE 6th PETITIONER FOR A BUSINESS LOAN.

EXT.R5(g) COPY OF APPLICATION DATED 06/04/2001 SUBMITTED BY THE 7th PETITIONER FOR A BUSINESS LOAN.

EXT.R5(h) COPY OF APPLICATION DATED 21/04/2001 SUBMITTED BY THE 8th PETITIONER FOR A BUSINESS LOAN.

EXT.R5(i) COPY OF APPLICATION DATED 04/04/2001 SUBMITTED BY THE 9th PETITIONER FOR A BUSINESS LOAN.

\\TRUE COPY//

THOTTATHIL B. RADHAKRISHNAN, J.

~ ~ ~ ~ ~
W.P.(C) No. 12417 of 2007-C
~ ~ ~ ~ ~

Dated this the 30th day of November, 2007

J U D G M E N T

Having perused the materials on record and having heard the arguments on behalf of the petitioners and the learned counsel for the fifth respondent, it is apparent that there are no grounds to sustain the challenge to the impugned proceedings. There is no legal infirmity or jurisdictional error in the matter. Faced with such situation, the learned counsel for the petitioners confined the submissions to a request that the petitioners may be permitted to pay off the outstanding dues in instalments.

Having regard to the amounts involved, it is directed that the recovery proceedings against the petitioners shall stand

deferred, if they remit the balance outstanding and the accruals thereon, in equal monthly instalments of rupees two lakhs payable on or before 20th of every month commencing from December 2007. The third respondent will ensure that appropriate action is taken to conduct the sale, if any of the conditions imposed as per this judgment is not appropriately complied with. The writ petition is disposed of as above.

**THOTTATHIL B. RADHAKRISHNAN,
Judge**

ms